

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY RAY SHANEE MALDONADO,
Plaintiff,
v.
B. KEBLER, et al.,
Defendants.

No. 2:21-cv-01243 TLN DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 31, 2021, plaintiff's motion to proceed in forma pauperis was denied as plaintiff had accrued three strikes 28 U.S.C. § 1915(g) prior to filing this action. (ECF No. 11 at 2.) Plaintiff was ordered to pay the required filing fee within fourteen days in order to proceed with this action. (Id.) More than fourteen days have passed and plaintiff has not paid the filing fee. Accordingly, it will be recommended that this action be dismissed for failure to comply with court orders and failure to prosecute.

Additionally, plaintiff filed a "Motion to Squash Filing Fee" on September 20, 2021. (ECF No. 12.) Among other things, plaintiff argues in his motion that "the entity should pay the filing fee" and that it should be paid using "Prisoners' Welfair [sic] Funds." (Id. at 1.) The basis for this argument is unclear as the motion addresses diverse and seemingly unrelated topics. (Id. at 1-2). As best can be discerned, plaintiff asserts defendants should pay for his filing fee because he alleges defendants violated state law. (See Id. at 1.) ("[T]he entity is in violation of state and

1 federal law...The entity should pay the filing fee at all cost.”) Plaintiffs filing a civil action is
2 required to pay the filing fee of \$350.00 plus the \$52.00 administrative fee. See 28 U.S.C. §§
3 1914(a). The plaintiff is responsible for paying the filing fee, regardless of whether he alleges
4 they violated state and federal law. Id.; see Ashley v. Dilworth, 147 F.3d 715, 716 (8th Cir.
5 1998). Accordingly, plaintiff’s motion (ECF No. 12) will be denied.

6 For the reasons state above, IT IS HEREBY ORDERED that plaintiff’s “Motion to
7 Squash Filing Fee” (ECF No. 12) is denied.

8 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without
9 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
12 being served with these findings and recommendations, plaintiff may file written objections with
13 the court and serve a copy on all parties. Such a document should be captioned “Objections to
14 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
15 objections within the specified time may waive the right to appeal the District Court’s order.
16 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 Dated: September 29, 2021

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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